



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Inventor: KOLLAJA, RICHARD A.

Application No.: 10/028638

Group Art Unit: 1771

Filed: December 19, 2001

Examiner: Daniel R. Zirker

Title: POLYMERIC COEXTRUDED MULTILAYER ARTICLES

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**DECLARATION UNDER 37 CFR 1.132**

Richard A. Kollaja declares that:

1. He is an Applicant of the patent application identified above.
2. He has received a Bachelor of Arts Degree in Chemistry from the University of Texas at Austin, Texas, in August 1982, and a Master of Science Degree in Chemical Engineering from the University of Texas at Austin, in August 1985.
3. He has been employed at 3M Company at St. Paul, Minnesota, and Austin, Texas, since June 1985 in various business units and laboratories, and his current title is Technical Manager, 3M Corporate Research Process Laboratory, in St. Paul. During his employment at 3M, most of his work has involved polymer materials and polymer processing, and many of his projects have related to the formulation and processing of pressure-sensitive adhesives (PSAs). A substantial part of his work has been in the field of extruded and co-extruded polymers and the application of extrusion and co-extrusion in making PSAs. He is a named inventor on 8 US patents, 6 of which are in the field of adhesives and/or multilayer extruded films.
4. He has read the Office Action dated August 31, 2004, in the above-referenced application and the references cited by the Examiner. At page 4 of the Office Action, the Examiner has said that, "DE -452 at page 3, next to last paragraph clearly teaches the utilization of styrene based adhesive layers in a wide variety of embodiments, of which it is believed that pressure sensitive adhesives would clearly constitute a member thereof." This sentence refers to German Patent 19806452.
5. Based on his education and knowledge of extruded polymers gained through 19 years of experience in the field, Mr. Kollaja states that the Examiner's belief (quoted above) is not fairly based, because of the following reasons:

- (a) The styrene copolymers described and used in DE '452 (styrene-butadiene-styrene (SBS) and styrene-ethylene-butadiene-styrene (SEBS) copolymers) are thermoplastic elastomers. They are suited for use as a base polymer that may be used in a hot-melt adhesive, but would require a tackifier in order to have adhesive properties.
- (b) DE '452 refers to these styrenic copolymers as having good adhesion to most of the thermoplastic polymers with which they are co-extruded (page 3, next to last paragraph). However, DE'452 also states that the thermoplastic film it describes is a well-stabilized film formed by the combination of a thermoplastic elastomer (TPE) and a thermoplastic resin (page 3, first full paragraph). If the styrenic copolymers were indeed adhesives, as the Examiner has stated, the co-extruded film of DE '452 would not be well stabilized.
- (c) The styrene-based copolymers disclosed in DE '452 would also not be PSAs, because they lack the combination of properties (the Dahlquist criteria which are well-known characteristics of PSAs, see my application page 5, first paragraph). The styrene-based copolymers discussed in DE '452 are rubbery thermoplastics.

6. Attached hereto as Exhibit 1 is a photograph showing (at a magnification of about 61X) a cross-section of the co-extruded polymeric multilayer web invented and claimed by my co-inventors and me in application serial number 10/028638. It is exemplary of the film made in Example 8 of this application. This photograph and a sample of the material which it represents, were shown to the Examiner (on information and belief) by my attorney during an interview on July 7, 2004. This photograph shows the four discontinuous layers of Elvax 350 ethylene vinyl acetate copolymer as dark areas or stripes in between layers of foamed PSA C, described in our patent application as being made of 2-ethylhexylacrylate, butyl acrylate, VEOVA 9 monomer, and acrylic acid in a weight ratio of 45/30/25/5.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements, and the like so made are punishable by a fine or imprisonment or both, under 18 USC 1001, and that

such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

10-21-04  
Date

By: Richard A. Kollaja  
Richard A. Kollaja